

Gregory M. Nespole (GN-6820)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY FREUDENBERG, individually and
on Behalf of All Others Similarly Situated,

Plaintiff(s),

-against-

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendant(s).

ECF CASE

Civil Action No. 07-8538 (RWS)

CLASS ACTION

(Captions Continued...)

NOTICE OF MOTION

WILLIAM BOSTON, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff(s),

-against-

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendant(s).

ECF CASE

Civil Action No. 07-8808 (RWS)

CLASS ACTION

ROBERT D. THULMAN, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff(s),

- against -

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendants.

ECF CASE

Civil Action No. 07-9651 (RWS)

CLASS ACTION

PLEASE TAKE NOTICE, that upon the annexed Declarations of Gregory M. Nespole, Robert Grant and Sherman Frager, Memorandum of Law, and Proposed Order, First Derivative Traders LP (“First Derivative”) and Robert and Jessica Grant (the “Grants”) (together “Lead Plaintiff”) will move this Court located at the Courthouse, 500 Pearl Street, New York, New York 10007-1312, on December 3, 2007, or as soon thereafter as counsel may be heard for an Order pursuant to Section 21D(a)(3)(B) of the Securities and Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), for their appointment to serve as Lead Plaintiff on behalf of all persons who purchased E*TRADE Financial Corporation (“E*TRADE” or the “Company”) common stock from the December 14, 2006, through September 25, 2007, inclusive, seeking to pursue remedies under Sections 10(b) and 20(a) of the Exchange Act, and Rule 10b-5 promulgated thereunder; and for the approval of the Lead Plaintiffs’ choice of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel.

PLEASE TAKE FURTHER NOTICE, that First Derivative and the Grants, as the proposed Lead Plaintiffs for the Class, have timely filed their motion and, pursuant to the PSLRA, are believed to constitute the investors with the largest financial interest in the outcome of the case for the Class, and are otherwise the most adequate Lead Plaintiffs. Indeed, First Derivative believes that standing alone it still possesses the largest financial interest of any movant. First Derivative and the Grants satisfy the requirements of the PSLRA and Rule 23 of the Federal Rules of Civil Procedure in that their claims are typical of the claims of the Class, and they will fairly and adequately represent the interests of the Class. First Derivative and the Grants’ choice of counsel should be accepted by this Court because their selected counsel is a nationally recognized firm with extensive experience and expertise in securities fraud and other class actions.

Dated: December 3, 2007
New York, New York

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: /s/
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